

*Attorney Docket No.: 42.P17676**Application No.: 10/689,877**Page 2***First Error:**

First, with respect to claims 21-25, the hub 4 in the satellite communication system disclosed by Zuliani et al. does not reasonably disclose that the same remote program that sent the video information also receives the control data as required by claim 21. See the explanations presented in the Response After Final filed April 17, 2006, from page 2, line 17, through page 3, line 6. For the Examiner to read the claimed "remote program" on a physical hub 4 is clear factual error.

In the Advisory Action, the Examiner responds by referring to a "DBS service" and cites page 5, paragraph 2, and page 4, paragraph 7, of Zuliani et al.

Neither of these paragraphs, however, discloses the claimed "remote program." Page 5, paragraph 2, of Zuliani et al. discloses only that the hub 4 has "feeds from various services, such as from a DBS service provider . . ." Hence, Zuliani et al. still fails to disclose a "remote program" as claimed. Rather, it discloses a physical "hub" 4 receiving a "feed" from a "service provider."

For these reasons, the Examiner's reading of the claimed "remote program" on hub 4, any of its feeds, or its associated service providers in Zuliani et al. is clear factual error.

Second Error:

Second, also with respect to claims 21-25, the user's terminal disclosed by Zuliani et al. does not disclose a wireless communication interface to receive video data from a remote program *and* a wired communication interface to send control data to the remote program as set forth in claim 21. See the explanations presented in the Amendment After Final filed April 17, 2006, on page 3, lines 7-20. For the Examiner to read the claimed "wired communication

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interface” on a “typical user 7” is clear factual error.

In the Advisory Action, the Examiner responds by referring to a wire between antenna 8 and set top box 10 in Fig. 1 of Zuliani et al.

Applicant supposes that the Examiner might have read this claimed wired interface on any of the wires within set top unit 50 in Fig. 3 of Zuliani et al. (which is a more detailed implementation of elements 8-10 in Fig. 1), but as explained in the Response After Final, there is only one “communication interface to send control data to the remote program” disclosed in Fig. 3: a *wireless* interface in elements 51/74. There is only one communication path in Fig. 1, wireless return link 2, to send control data to hub 4. None of these meet the language of claim 21, which requires a “wired communication interface to send control data to the remote program.”

The Examiner’s interpretation of the “wired communication interface” in claims 21-25 is clear, and spurious, factual error.

Third Error:

Third, with respect to claims 1-20, a *prima facie* case of obviousness has not been established, because one of ordinary skill in the art would not have been motivated to modify Zuliani et al. with Jones et al. as proposed by the Examiner. See the explanations presented in the Response After Final filed April 17, 2006, on page 5, lines 1-16. For the Examiner to ignore the direct teaching-away from such combination in Zuliani et al. is clear legal error.

In the Advisory Action, the Examiner responds by disclaiming the bothersome aspects of Jones et al. that tend to teach away from the combination (i.e., cable system instead of satellite) and by citing the test for obviousness from *In re Keller*.

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Applicant demurs. Zuliani et al., when faced with the need for two-way communication, chose to add a second, one-way link. See again, Zuliani et al. at page 4, lines 18 and 19, "The system makes combined use of two satellite systems *both operating in a one-way mode*" (emphasis added). Jones et al. also teaches away from the combination. See again, Response After Final, page 5, lines 9-13. The Review Panel would be hard-pressed to find a more conspicuous example of teaching away from a combination by both references. Applicant respectfully submits that "what the combined teachings of the references would have suggested to those of ordinary skill in the art" (*In re Keller*) would have been not to combine them as the Examiner did.

The proposed combination of Zuliani et al. and Jones et al. in the face of such a clear suggestion against such combination is clear legal error.

In view of the foregoing, favorable reconsideration and withdrawal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Review Panel is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Alan Pedersen-Giles
Registration No. 39,996

c/o Intel Americas
LF3
4030 Lafayette Center Drive
Chantilly, VA 20151
(703) 633-1061